IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 502 of 1987
With
SPECIAL CIVIL APPLICATION No. 5202 of 1986

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG
HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JOY KUTTY P.D. & 9 - Petitioner(s)
Versus
STATE OF GUJARAT & 4 - Respondent(s)

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Appearance :

NOTICE NOT RECD BACK for Petitioner(s) : 1, 6,9 - 10.NOTICE SERVED for Petitioner(s) : 2 - 5, 8,

MR MG NAGARKAR for Petitioner(s) : 7,
MR DIPEN DESAI, AGP for Respondent(s) : 1 - 5.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

and

HONOURABLE MR.JUSTICE M.R. SHAH

Date : 15/06/2006

COMMON ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE R.S.GARG)

Mr. M.G. Nagarkar, learned counsel for the petitioner no.7. None for the other petitioners in Special Civil Application No. 502 of 1987 and none for the petitioner in Special Civil Application No. 5202 of 1986.

From the records, it appears that except the petitioner no.7 in Special Civil Application No. 502 of 1987, none is represented by anybody though some of them are already served under the directions of the Court. Under the circumstances, we dismiss the petition with liberty in favour of the petitioners that if they are still aggrieved by the action taken by the respondents and the provisions contained in the law, then, they would be entitled to make an application for restoration of these petitions. Rule is discharged in each of the petition with no order as to costs. Interim relief, if any, stands vacated.

Mr. Nagarkar, learned counsel for the petitioner no.7 in Special Civil Application No. 502 of 1987

submits that the departmental head has made recommendations to the State Government in relation to the petitioner no.7 that his case be considered as a special case.

Taking into consideration the totality of the circumstances and the fact brought to our notice, we hereby direct the State Government to consider the said recommendations submitted by the departmental head, within a period of four months from today and pass a speaking order on the same, if not yet decided. If the recommendations are accepted by the State Government then that may be the end of the matter, but if the petitioner no. 7 is still aggrieved by the final orders passed by the State Government, then, he would be free to challenge the same in appropriate proceedings before the appropriate forum.

[R.S. GARG, J.]

[M.R. SHAH, J.]

pirzada/-